



UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

## Defendants

JOINT STIPULATION TO EXTEND DEFENDANTS' TIME TO ANSWER PLAINTIFF'S AMENDED COMPLAINT  
Case No. C 3:10-3910-MEJ

The parties, *pro se* Plaintiff Bernardo Mendia (“Mendia”), and Defendants, through their counsel Lana L. Vahab, hereby agree and stipulate as follows:

1. Mendia filed this Complaint on August 31, 2010. (ECF No. 1.)

2. On May 9, 2011, Defendants filed their Motion to Dismiss, with a noticed hearing date of August 11, 2011. (ECF No. 20.)

3. On July 28, 2011, Mendia filed a “Request to File an Amended Complaint.” (ECF No. 25.)

4. On July 29, 2011, the Court granted Mendia’s Request and allowed him until August 11, 2011, to file an amended complaint. (ECF No. 27.) The Court also ordered Defendants to respond to Mendia’s amended complaint twenty days after its filing. (*Id.*)

5. On August 11, 2011, Mendia filed his Amended Complaint. (ECF No. 28.) The Amended Complaint adds a number of new factual allegations, and also add ICE Agent Ching Chang as Defendant. (*Id.*) Furthermore, the Amended Complaint adds *Bivens* claims against ICE Agents Chang and Garcia.<sup>1</sup>

6. Per the Court’s Order (ECF No. 27), Defendants’ response to Mendia’s Amended Complaint is currently due on August 31, 2011.

7. On August 26, 2011, upon verifying that Mendia had failed to personally serve Defendants Chang and Garcia,<sup>2</sup> Defendants notified Mendia of this deficiency via e-mail. Defendants also directed Mendia to Federal Rule of Civil Procedure 4(i)(3), and explained to him his obligation to comply with the rules of service.

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<sup>1</sup> Mendia had previously named John Garcia as a Defendant in his original Complaint. However, Mendia did not bring any *Bivens* (*Bivens v. Six Unknown Named Agents*, 403 U.S. 388 (1971)) claims against Garcia in the original Complaint. The Amended Complaint contains *Bivens* claims against both Chang and Garcia. (*See* ECF No. 28.)

<sup>2</sup> Plaintiff Mendia notes that the Court has not yet issued a summons specific to Defendant Chang and asks the Court to do so as soon as possible so that he may serve Defendant Chang pursuant to Rule 4(i)(3) of the Federal Rules of Civil Procedure.



**CERTIFICATE OF SERVICE**

I certify that on August 30, 2011, I electronically filed the foregoing JOINT STIPULATION TO EXTEND DEFENDANTS' TIME TO ANSWER PLAINTIFF'S AMENDED COMPLAINT with the Clerk of Court. I also caused a copies of the foregoing to be served upon Plaintiff, Bernardo Mendia by placing them in an envelope which was subsequently sealed and forwarded to the mail room of the United States Department of Justice for the addition of the correct amount of first-class postage and same-day delivery to a United States Post Office in Washington, D.C. The envelope was addressed as follows:

Bernardo Mendia  
P.O. Box 28032  
Oakland, CA 94604

/s/ Lana L. Vahab  
LANA L. VAHAB  
Trial Attorney